

ARRANGEMENT OF SECTIONS*Section**Domestic violence*

1. Meaning of domestic violence
2. Meaning of domestic relationship
3. Prohibition of domestic violence
4. Domestic violence not justified by consent
5. Number of acts which would amount to domestic violence
6. Filing of complaint with police
7. Police assistance
8. Receipt of complaint by police and free medical treatment
9. Arrest by police
10. Arrest by person other than police officer without wan-ant

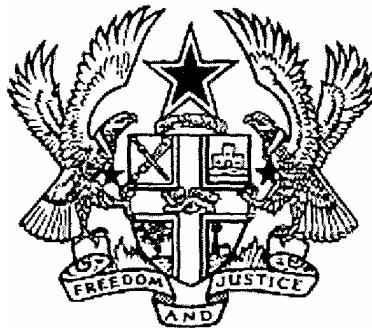
Protection orders

11. Jurisdiction of Court
12. Application for civil protection order
13. Conduct of proceedings
14. Interim protection order
15. Grant of protection order
16. Duration of final protection order
17. Conditions of protection order
18. Reference to Family Tribunal
19. Extension of protection order to other persons
20. Occupation order
21. Power to discharge protection order
22. Contravention of protection order

Miscellaneous provisions

23. Relation of act to Criminal Code
24. Court to promote reconciliation
25. Publication of proceedings
26. Criminal charges and protection
27. Civil claim for damages
28. Procedure rules for domestic violence
29. Establishment of Fund
30. Objectives of the Fund
31. Sources of money for the fund

32. Management of the Fund
33. Accounts, audit and financial year
34. Annual report of the Fund
35. Establishment of Victims of Domestic Violence Management Board
36. Composition of the Management Board
37. Functions of the Management Board
38. Meetings of the Management Board
39. Allowances
40. Secretariat of the Management Board
41. Regulations
42. Interpretation



THE SEVEN HUNDRED AND THIRTY -SECOND

ACT

OF THE PARLIAMENT OF THE REPUBLIC OF GHANA ENTITLED DOMESTIC VIOLENCE ACT, 2007

AN ACT to provide protection from domestic violence particularly for women and children and for connected purposes.

DATE OF ASSENT: *3rd May, 2007.*

ENACTED by the President and Parliament:

Domestic violence

Meaning of domestic violence

1. Domestic violence means engaging in the following within the context of a previous or existing domestic relationship:

(a) an act under the Criminal Code 1960 (Act 29) which constitutes a

threat or harm to a person under that Act;

(b) specific acts, threats to commit, or acts likely to result in

(i) physical abuse, namely physical assault or use of physical force against another person including the forcible confinement or detention of another person and the deprivation of another person of access to adequate food, water, clothing, shelter, rest, or subjecting another person to torture or other cruel, inhuman or degrading treatment or punishment;

- (ii) sexual abuse, namely the forceful engagement of another person in a sexual contact which includes sexual conduct that abuses, humiliates or degrades the other person or otherwise violates another person's sexual integrity or a sexual contact by a person aware of being infected with human immunodeficiency virus (HIV) or any other sexually transmitted disease with another person without that other person being given prior information of the infection;
- (iii) economic abuse, namely the deprivation or threatened deprivation of economic or financial resources which a person is entitled to by law, the disposition or threatened disposition of moveable or immovable property in which another person has a material interest and hiding or hindering the use of property or damaging or destroying property in which another person has a material interest; and
- (iv) emotional, verbal or psychological abuse namely any conduct that makes another person feel constantly unhappy, miserable, humiliated, ridiculed, afraid, jittery or depressed or to feel inadequate or worthless;

- (c) harassment including sexual harassment and intimidation by inducing fear in another person; and
- (d) behaviour or conduct that in any way
 - (i) harms or may harm another person,
 - (ii) endangers the safety, health or well-being of another person,
 - (iii) undermines another person's privacy, integrity or security, or
 - (iv) detracts or is likely to detract from another person's dignity and worth as a human being.

Meaning of domestic relationship

2. (I) A domestic relationship means a family relationship, a relationship akin to a family relationship or a relationship in a domestic situation that exists or has existed between a complainant and a respondent and includes a relationship where the complainant

- (a) is or has been married to the respondent;
- (b) lives with the respondent in a relationship in the nature of a marriage even if they are not or were not married to each other or could not or cannot be married to each other;
- (c) is engaged to the respondent, courting the respondent or is in an actual or perceived romantic, intimate, or cordial relationship not necessarily including a sexual relationship with the respondent;
- (d) and respondent are parents of a child, are expecting a child together or are foster parents of a child;

- (f) and respondent are family members related by consanguinity, affinity or adoption, or would be so related if they were married either customarily or under an enactment or were able to be married or if they were living together as spouses although they are not married;
- (g) and respondent share or shared the same residence or are co-tenants;
- (h) is a parent, an elderly blood relation or is an elderly person who is by law a relation of the respondent;
- (i) is a house help in the household of the respondent; or
- (j) is in a relationship determined by the court to be a domestic relationship.

(2) A Court shall in a determination under paragraph (i) of subsection (1) have regard to

- (a) the amount of time the persons spend together,
- (b) the place where that time is ordinarily spent,
- (c) the manner in which that time is spent, and
- (d) the duration of the relationship.

(3) A person is in a domestic relationship where

- (a) the person is providing refuge to a complainant whom a respondent seeks to attack, or
- (b) the person is acting as an agent of the respondent or encourages the respondent.

Prohibition of domestic violence

3. (1) A person in a domestic relationship shall not engage in domestic violence.

(2) A person in a domestic relationship who engages in domestic violence commits an offence and is liable on summary conviction to a fine of not more than five hundred penalty units or to a term of imprisonment of not more than two years or to both.

(3) The Court may in addition to imposing a fine or a prison term, order the offender in a case of domestic violence to pay compensation to the victim as the Court may determine.

(4) When a cause for complaint has arisen between persons in a domestic relationship and the persons do not cohabit, none of those persons shall enter into the residence of the other person without that other person's permission.

Domestic violence not justified by consent

4. The use of violence in the domestic setting is not justified on the basis of consent.

Number of acts which would amount to domestic violence

5. (1) A single act may amount to domestic violence.

(2) A number of acts that form a pattern of behaviour may amount to domestic violence even though some or all of the acts when viewed in isolation may appear minor or trivial.

Filing of complaint with police

6. (1) A victim of domestic violence or a person with information about domestic violence may file a complaint about the domestic violence with the police.

(2) A child may be assisted by a next friend to file a complaint on domestic violence.

(3) Despite subsection (1) a social worker, probation officer or health care provider shall file a complaint about domestic violence where the intervention is in the interest of the victim.

(4) A member of the victim's family may file a complaint on behalf of the victim where the victim is for any reason unable to file a complaint personally.

(5) A deceased person's personal representative or a member of the deceased's family or another person competent to represent the deceased may file a complaint where a person who could have been a complainant under this Act has died.

(6) A complaint about domestic violence shall be filed with the police at the place where

- (a) the offender resides,
- (b) the victim resides,
- (c) the domestic violence occurred or is occurring, or
- (d) the victim is residing temporarily, where the victim has left his or her usual place of abode.

Police assistance

7. A police officer shall respond to a request by a person for assistance from domestic violence and shall offer the protection that the circumstances of the case or the person who made the report requires, even when the person reporting is not the victim of the domestic violence.

Receipt of complaint by police and free medical treatment

8. (1) When a police officer receives a complaint under section 6(6), the officer shall

- (a) interview the parties and witnesses to the domestic violence including children,
- (b) record the complaint in detail and provide the victim with an extract of the occurrence upon request in a language the victim understands,
- (c) assist the victim to obtain medical treatment where necessary,

- (d) assist the victim to a place of safety as the circumstances of the case or as the victim requires where the victim expresses concern about safety,
- (e) protect the victim to enable the victim retrieve personal belongings where applicable,
- (f) assist and advise the victim to preserve evidence, and
- (g) inform the victim of his or her rights and any services which may be available.

(2) Police assistance to a victim under subsection (1) (c) consists of issuing a medical form to the victim and where necessary sending the victim to a medical facility. .

(3) A victim of domestic violence who is assisted by the police to obtain medical treatment under subsection (1) (c) is entitled to free medical treatment from the State.

(4) In case of emergency or a life threatening situation a victim of domestic violence may receive free medical treatment pending a complaint to the police and the issuance of a report.

Arrest by police

9. (1) A police officer may arrest a person for an offence of domestic violence with a warrant issued under this Act or without a warrant.

(2) A police officer may arrest a person for an offence of domestic violence without a warrant where

- (a) an act of domestic violence is committed in the presence of the police officer,
- (b) the police officer is obstructed by the person in the execution of police duties, or
- (c) the person has escaped or attempts to escape from lawful custody.

(3) A police officer may arrest a person without a warrant on reasonable suspicion that that person

- (a) has committed an offence of domestic violence, or
- (b) is about to commit an offence of domestic violence and there is no other way to prevent the commission of the offence.

(4) A police officer may arrest a person without warrant if the officer has reasonable cause to believe that the person has contravened or is contravening a protection order issued under section 13 or 14.

Arrest without warrant by person other than police officer

10. (1) A person other than a police officer may arrest without warrant, another person if that other person commits an act of domestic violence in the presence of the person.

(2) A person other than a police officer may arrest without warrant, another person where the person has reasonable suspicion that the other person has committed an offence of domestic violence.

(3) A person who effects an arrest under subsections (1) and (2) shall within a reasonable time hand over the person arrested to the police.

Protection orders

Jurisdiction of Court

11. (1) A Court with original jurisdiction may hear and determine a matter of domestic violence under this Act.

(2) The Court may in the exercise of its jurisdiction issue a protection order.

Application for protection order

12. (1) A person referred to in this Act as the applicant, may apply to a Court for a protection order to prevent

(a) another person, referred to in this Act as the respondent,

(b) a person associated with the respondent, or

(c) both a respondent and a person associated with the respondent from carrying out a threat of domestic violence against the applicant or to prevent the respondent, an associated respondent or both from further committing acts which constitute domestic violence against the applicant.

(2) The application may be filed in a Court situated where

(a) the applicant resides, carries on business or is employed,

(b) the respondent resides, carries on business or is employed, or (c) the act of domestic violence occurred or is occurring.

(3) The application shall be made ex-parte, unless the Court otherwise orders it to be on notice.

(4) A Court before which criminal proceedings in relation to domestic violence is pending may on its own volition, considering the circumstances of the case, or on an application by the victim issue a protection order in respect of the victim.

Conduct of proceedings

13. (1) Proceedings for a protection order shall be held in private in the presence of the parties, their lawyers and any other person permitted by the Court to be present.

(2) Despite subsection (1) where the Court is of the view that the presence of the respondent is likely to have a serious adverse effect on the victim or a witness, the Court may take the steps that it considers necessary to separate the respondent from the victim or the witness, without sacrificing the integrity of the proceedings.

(3) Subject to section 12 (3) an application for a protection order shall be heard by the Court within a period of fourteen days after the filing of the application.

(4) The COU11 may request a social or psychological enquiry report or both a social and psychological enquiry rep011 on any of the parties to the proceedings and the report shall be prepared and submitted to the Court by a social welfare officer or a clinical psychologist as appropriate.

(5) The report shall contain details of the circumstances of the domestic violence, an assessment of the effect of the violence and any other information considered expedient by the social welfare officer or the clinical psychologist.

Interim protection order

14. (1) Where an application is made ex parte to the Court for a protection order, the Court shall issue an interim protection order if it considers the order to be in the best interest of the applicant.

(2) In determining whether it is in the best interest of the applicant to issue an interim protection order, the Court shall consider,

- (a) whether there is risk of harm to the applicant or a relation or friend of the applicant if the order is not made immediately;
- (b) whether it is likely that the applicant will be deterred or prevented from pursuing the application if an order is not made immediately; and
- (c) whether there is reason to believe that the respondent is deliberately evading service of notice of the proceedings and the applicant, or a person in a domestic relationship with the respondent will be prejudiced by the delay involved in effecting service.

(3) An interim protection order shall be for a period of not more than three months.

(4) The Court shall when making an interim protection order, where the respondent is not already before the Court, summon the respondent to appear within the period of three months to show cause why the interim order should not be made final.

(5) Where the respondent, without reasonable cause, fails to appear before the Court in accordance with subsection (4), the order shall become final.

(6) Where an application is made on notice to the Court for a protection order and the Court is of the opinion that

- (a) the respondent has committed, is committing, or is likely to commit an act of domestic violence, and
- (b) the applicant may suffer significant harm if a protection order is not issued,

the Court may issue an interim protection order pending the consideration of the order applied for.

Grant of protection order

15. (1) The COUJ1 may issue a protection order to prohibit a respondent from committing or threatening to commit an act of domestic violence personally or otherwise against an applicant or a relation or a friend of the applicant.

(2) The protection order may prohibit the respondent from

- (a) physically assaulting or using physical force against the applicant or any relation or friend of the applicant;
- (b) forcibly confining or detaining the applicant or a relation or friend of the applicant;
- (c) depriving the applicant access to adequate food, water, clothing, shelter arrest;
- (d) forcing the applicant to engage in a sexual contact;
- (e) engaging in a sexual conduct that abuses, humiliates or degrades the applicant or otherwise violates the applicant's sexual integrity;
- (f) depriving or threatening to deprive the applicant of
 - (i) economic or financial resources to which the applicant is entitled by law including household mortgage repayments or rent payments in respect of shared accommodation, and
 - (ii) household chattels required by the applicant as a matter of necessity;
- (g) contacting the applicant at work or other places frequented by the applicant;
- (h) contacting the applicant by telephone or any form of communication;
- (i) disposing of or threatening to dispose of movable or immovable property in which the applicant has a material interest;
- (j) destroying or damaging, or threatening to destroy or damage property in which the applicant has a material interest;
- (k) hiding or hindering the use of property in which the applicant has a material interest;
- (l) threatening to abuse the applicant;
- (m) harassing the applicant;
- (n) entering the applicant's residence without consent, where the parties do not share the same residence;
- (o) emotionally, verbally or psychologically abusing the applicant;
- (p) coming within fifty metres of the applicant; or
- (q) doing an act which the Court considers is not in the best interest of the applicant.

Duration of final protection order

16. A final protection order issued by a Court shall not exceed twelve months in the first instance but may for good cause shown, be extended, modified or rescinded by the Court on a motion by a party to the original proceeding.

Conditions of protection order

17. (1) Subject to section 14, a protection order may

- (a) bind the respondent to be of good behaviour,
- (b) direct the respondent to seek counselling or other rehabilitative service,
- (c) direct the respondent to relocate and continue to pay any rent, mortgage payment and maintenance to the applicant,
- (d) require the respondent to relinquish property to the applicant and pay the applicant for damage caused to the property of the applicant, and
- (e) require the respondent to pay for medical expenses incurred by the victim as a result of the domestic violence.

(2) In addition to the provisions in subsection (1), the Court may make any other order that it considers necessary for the health, safety and welfare of the applicant having regard to the recommendation in a social and psychological enquiry report.

(3) A Court may not refuse to issue a protection order or impose any other condition solely on the grounds that other legal remedies are available to the applicant.

Reference to Family Tribunal

18. (1) Where there is a need for special protection for a child, the Court may refer matters concerned with the temporary custody of a child in a situation of domestic violence to a Family Tribunal.

(2) Any matter connected with domestic violence in which a child is the perpetrator shall be referred to a juvenile court.

Extension of protection order to other persons

19. A Court may extend a protection order to a person specified in the order other than the applicant if the Court is satisfied that

- (a) the respondent is engaging in or has engaged in behaviour which would amount to domestic violence against the person specified in the order, referred to as the specified person, if the specified person were or had been in a domestic relationship with the respondent;
- (b) the respondent's behaviour towards the specified person is due, in whole or in part to the applicant's relationship with the specified person; or

- (c) the extension of the protection order is necessary for the protection of the specified person.

Occupation order

20. (1) Where the Court in issuing a protection order considers it expedient to issue an occupation order, the Court may issue the order requiring the respondent to vacate the matrimonial home or any other specified home.

(2) The Court shall issue the order only after the consideration of a social and a psychological enquiry report prepared by a social welfare officer and a clinical psychologist.

(3) The Court shall consider the effect of the order or omission of the order on the health, education and development of the family where the applicant and the respondent are in a marital relationship.

(4) A landlord shall not evict an applicant solely on the basis that the applicant is not a party to a lease where the COU11 gives exclusive occupation of the residence which is the subject of the lease to the applicant.

(5) In furtherance of subsection (4), the landlord shall provide the details of the lease to the applicant on request.

Power to discharge protection order

21. (1) A Court may discharge a protection order on an application on notice by an applicant or a respondent

(2) The Court may discharge the order even if the order is

- (a) for the benefit of a specified person on the order other than the applicant, or
- (b) against an associated respondent.

(3) If an order is discharged under subsection (2) the order shall cease to have effect for the benefit of a specified person or associated respondent as if either of them had applied for or been granted a discharge of the order.

(4) Where an order is for the benefit of a specified person or against an associated respondent, either of them may apply for the order to be discharged in so far as it applies to them.

(5) An application may be made under this section for the discharge of an interim order in which case the Court shall fix a hearing date as soon as practicable but not later than thirty days after the filing of the application unless there are special circumstances.

Contravention of a protection order

22. (1) A person who contravenes a protection order commits an offence and is liable on summary conviction to a fine of not less than five penalty units and not more than five hundred penalty units or to a term of imprisonment of not less than one month and not more than two years or to both.

(2) Any person convicted of a subsequent offence of contravening a protection order is liable on summary conviction to a fine of not less than two hundred and fifty penalty units and not more than one thousand penalty units or to a term of imprisonment of not more than three years or to both.

*Miscellaneous provisions***Relation of Act to Criminal Code**

23. The punishment provided for in of this Act applies only to offences which under the Criminal Code 1960, (Act 29) are misdemeanours and shall not apply to any offence that is aggravated or the punishment for which under the Criminal Procedure Code, 1960 Act 30 is more than three years imprisonment and in any other case the provisions 01 Ac130 in relation to punishment for the specific offence shall apply.

Court to promote reconciliation

24. (1) Despite section 22, if in a criminal trial in respect of domestic violence which is not aggravated or does not require a sentence that IS more than two years,

(a) the complainant expresses the desire to have the matter settled out of Court, the Court shall refer the case for settlement by an alternative dispute resolution method, or

(b) the Court is of the opinion that the case can be amicably settled, the Court may with the consent of the complainant refer the case for settlement by an alternative dispute resolution method.

(2) Where a case is referred for settlement, the Court shall in addition;

(a) refer the complainant and the accused for counselling,

(b) where necessary, require the accused to receive psychiatric help, or (c) in consultation with the Depm1mcnt of Social Welfare appoint a

probation officer to observe and report on the subsequent conduct of the accused to the Court.

(3) Where a probation officer appointed under subsection (2) rep011s that the accused has engaged in any act of domestic violence after the settlement, the accused shall be brought before the Court and prosecuted under section 22.

Publication of proceedings

25. (1) Except with the leave of the Court, a person shall not publish a report of the proceedings under this Act, other than criminal proceedings.

(2) In a report of criminal proceedings under subsection (1), the reporter shall protect the identity of the victim.

(3) A person who contravenes subsection (1) or (2) commits an offence and is liable on summary conviction to a fine of not more than two hundred and fifty penalty units or a term of imprisonment of not more than twelve months or to both.

Criminal charges and protection

26. The institution of a criminal charge arising from acts of domestic violence shall be in addition to and shall not affect the rights of an applicant to seek a protection order under this Act.

Civil claim for damages

27. Proceedings under this Act shall be in addition and shall not derogate from the right of a person to institute a civil action for damages.

Procedure rules for domestic violence

28. The rules of the specific Court shall, where action under the Act is instituted, apply as appropriate to the provisions of this Act.

Establishment of Fund

29. There is established by this Act a Victims of Domestic Violence Support Fund.

Objectives of the Fund

31. The moneys of the Fund shall be applied

- (a) towards the basic material support of victims of domestic violence,
- (b) for training the families of victims of domestic violence,
- (c) for any matter connected with the rescue, rehabilitation and reintegration of victims of domestic violence,
- (d) towards the construction of reception shelters for victims of domestic violence in regions and districts, and
- (e) for training and capacity building of persons connected with the provision of shelter, rehabilitation and reintegration.

Sources of money for the Fund

31. The moneys for the Fund include

- (a) voluntary contributions to the Fund from individuals, organizations and the private sector;
- (b) moneys approved by Parliament for payment into the Fund, and

(c) moneys from any other source approved by the Minister responsible for finance.

Management of the Fund

32. (1) The Fund shall be managed by the Board established in section 35.

(2) Moneys for the Fund shall be paid into a bank account opened for the purpose by the Board.

Accounts, audit and financial year

33. (1) The Board shall keep books of account for the Fund and proper records in relation to them, in the form approved by the Auditor-General.

(2) The Board shall submit the accounts of the Fund to the Auditor-General for audit within three months after the end of the financial year.

(3) The Auditor-General shall, not later than three months after receipt of the accounts, audit the account and forward a copy of the audit report to the Minister.

(4) The financial year of the Fund shall be the same as the financial year of the Government.

Annual report of the Fund

34. (1) The Minister shall within one month after receipt of the audit report submit an annual report to Parliament, covering the activities and operations of the Fund for the year to which the report relates.

(2) The annual report shall include

- (a) the audited accounts of the Fund and the Auditor-General's report on the account of the Fund, and
- (b) other information that the Minister may consider necessary.

Establishment of Victims of Domestic Violence Management Board

35. There is established by this Act, Victims of Domestic Violence Management Board.

Composition of the Management Board

36. (1) The Management Board consists of

- (a) the chairperson who is the Minister responsible for Women and Children's Affairs, or the representative of that Minister,
- (b) one representative of the Attorney-General not below the level of Principal State Attorney,
- (c) one representative of the Ministry for Local Government not below the rank of a Deputy Director,
- (d) one representative of the Ministry for Health not below the rank of Deputy Director,

- (e) one representative of the Ministry for Education not below the rank of a Deputy Director,
- (f) one representative from the Police Service not below the rank of Assistant Superintendent, .
- (g) one representative from the Department of Social Welfare not below the rank of a Deputy Director,
- (h) two representatives of civil society organizations, and
- (i) four persons nominated by the President.

(2) The Chief Director of the Ministry or a representative of the Chief Director shall be secretary to the Board.

(3) The members of the Management Board other than the Minister and the Director of Social Welfare shall be nominated by the institutions concerned.

(4) The members of the Management Board shall be appointed by authority lent.

Function of the Management Board

37, The Management Board shall

- (a) make recommendations for a national plan of action against domestic violence and monitor and report on the progress of the national plan of action through the Minister;
- (b) advise the Minister on policy matters under this Act;
- (c) propose and promote strategies to prevent and combat domestic violence;
- (d) liaise with government agencies and organisations to promote the rehabilitation and reintegration of victims of domestic violence;
- (e) prepare guidelines for disbursement from the Fund;
- (f) manage the Fund;
- (g) conduct research
 - (i) on international and regional developments, and
 - (ii) into standards for dealing with matters of domestic violence, and
- (h) deal with any matter concerned with domestic violence.

Meetings of the Management Board

38. Management Board shall meet at least once every three months. the quorum at a meeting of the Management Board is five members. The chairperson or the representative of the chairperson shall convene and, at meetings of the Management Board and in the absence of the chairperson a member of the Management Board elected by the members present from among their number shall preside.

(4) Matters before the Management Board shall be decided by a majority of the members present and voting and in the event of equality of votes, the person presiding shall have a casting vote.

(5) The Management Board may co-opt a person to attend its meeting but the co-opted person may not vote on a matter for decision by the Management Board.

(6) Subject to the provisions of this section, the Management Board may determine the procedure for its meeting.

Allowances

39. Members of the Management Board shall be paid allowances approved by the Minister in consultation with the Minister responsible for Finance.

Secretariat of the Management Board

40. (1) The Management Board shall have a secretariat.

(2) The secretariat of the Management Board shall be located at the Ministry, which shall provide the facilities and personnel for the performance of the functions of the Management Board.

Regulations

41. The Minister responsible for Justice on the advice of the Minister responsible for Women and Children's Affairs may by legislative instrument make Regulations to

- (a) provide forms necessary for the purpose of this Act;
- (b) prescribe the training of the police and court officials on domestic violence in consultation with the relevant institutions;
- (c) provide for education and counselling of victims and perpetrators of domestic violence;
- (d) provide for education and counselling in domestic relationships;
- (e) prescribe shelter for victims in consultation with the relevant institutions;
- (f) provide for enhancement of social welfare services for victims;
- (g) provide the modalities for the provision of free medical treatment for victims;
- (h) provide financial assistance to victims of domestic violence in case of imprisonment of a spouse; and
- (i) provide for the effective implementation of this Act.

Interpretation

42. In this Act unless the context otherwise requires,

"abuse" means conduct that harms or may cause imminent harm to the safety, health or well-being of the complainant;

"applicant" means a person who applies for a civil protection order under

this Act;

"associated respondent" means a person associated with another person against whom an application for a civil protection order has been

brought; "child" means a person below eighteen years;

"complainant" means a person who is or has been in a domestic

relationship with a respondent and is or has been subjected or allegedly subjected to an act of domestic violence and who makes a complaint to the police;

"Court" means the High Court, Circuit court or District Court;

"harassment" means sexual contact without the consent of the person with whom the contact is made, repeatedly making unwanted sexual advances, repeatedly following, pursuing, or accosting a person or making persistent, unwelcome communication with a person and includes,

(a) watching, loitering outside or near a building where the harassed person resides, works, carries on business, studies or happens to be;

(b) repeatedly making telephone calls or inducing a third person to make telephone calls to the harassed person, whether or not conversation ensues;

(c) repeatedly sending, delivering or causing the delivery of letters, telegrams, packages, facsimiles, electronic mail or other objects or messages to the harassed person's residence, school or workplace; or

(d) engaging in any other menacing behaviour;

"household chattels" include jewellery, clothes, furniture and furnishings, refrigerator, television, radiogram, other electrical and electronic appliances, kitchen and laundry equipment, simple agricultural equipment, hunting equipment, books, motor vehicles other than vehicles used wholly for commercial purposes and household livestock;

"interim protection order" means an order made by the Court under section 13 pending the final determination of an application;

"intimidation" means intentionally inducing fear in another person by

(a) threatening to abuse that person or a third party,

(b) threatening to damage, destroy or dispose of property in which that person or a third party has a material interest, or

(c) exhibiting a weapon before that person;

"marriage" includes marriage under any custom or religion; "Minister" means the Minister responsible for Women and Children

Affairs;

"Ministry" means the Ministry responsible for Women and Children

Affairs; "next friend" means a person who intervenes to assist a child to bring a

legal action;

"order" means a protection order;

"organisation" means a non-governmental organisation;

"place of safety" means premises where the welfare of a victim of domestic

violence is assured;

"physical abuse" means

(a) physical assault or any use of physical force against another person,

(b) forcibly confining or detaining another person, or

(c) depriving another person of access to adequate food, water, clothing, shelter or rest;

"protection order" means an order made by the Court under sections 14, 15 and 16 on the final determination of an application.

"respondent" means a person who is or has been in a domestic relationship with a complainant and who has committed or allegedly committed an act of domestic violence against the complainant; and

"social welfare officer" includes a probation officer.

Date of *Gazette* notification: 4th May, 2007.

